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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thirty-seventh session

SUMMARY RECORD (PARTIAL)* OF THE 47th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 16 November 2006, at 10 a.m.

Chairperson: Ms. BONOAN-DANDAN

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Initial report of Albania (continued) (E/1990/5/Add.67; E/C.12/Q/ALB/1 and Add.1; HRI/CORE/1/Add.124)

1. Mr. HOXHA (Albania) said that the Ministry of Labour and Social Affairs was organizing an increasing number of vocational training courses for children who dropped out of school at 15, after the ninth year of compulsory education.
2. Mr. NINA (Albania) said that Albanian society had not yet been sensitized to the problem of domestic violence, for which there were no national statistics available. However, several studies had revealed that domestic violence spanned different socio-economic strata and remained widely underreported.
3. The Albanian Parliament was expected to adopt a bill on domestic violence in the near future, which, in conjunction with the national strategy to combat domestic violence, would enhance data collection, cooperation between the police and the social services, victim assistance and legislation to protect women.
4. Ms. LESKOVIKU (Albania) said that though the Albanian Criminal Code, which penalized prostitution, contained special provisions on the exploitation of prostitutes with aggravating circumstances, the maintenance of premises for prostitution and trafficking in persons, it required amendment, as those offences were categorized as “against morals and public dignity”, when in fact they also harmed the prostitutes and victims themselves.
5. According to the Ministry of the Interior, in 2006 to date, there had been 23 reported cases of trafficking of women, and no cases of child trafficking (though there had been in previous years); 26 cases of prostitution; 9 cases of exploitation of prostitution; 20 cases of exploitation of prostitution with aggravating circumstances; and 6 cases of maintenance of premises for prostitution.
6. A new provision had recently been added to the Criminal Code to combat the illegal employment of minors where the competent authorities had not been properly notified or the necessary measures ensuring their safety had not been taken.
7. Mr. KRISTO (Albania) said that Albania’s Law No. 8045 of 7 December 1995 allowed women to have an abortion up to the end of the twelfth week of pregnancy. Two State hospitals and many private clinics performed abortions in Albania. The Ministry of Health had closed some of those clinics for having performed abortions after the twelfth week of pregnancy. In order to prevent the use of abortion as a means of contraception, the Government planned to make sure all health institutions respected the law in that regard.

8. Mr. NINA (Albania) said that a recent study conducted jointly by the Albanian Institute of Statistics and the World Bank revealed that the country's economic growth had reduced poverty. Nearly three quarters of Albania's poor lived in rural areas, but the gap in poverty levels between those areas and the rest of the country had narrowed considerably.
9. The economic benefits of growth over the past eight years had been broadly shared by the population, as a result of the measures to stabilize and liberalize the economy, remittances and revenue from informal activities. Real growth in gross domestic product (GDP) had averaged 6 per cent per year since 1998, reflected in a 17 per cent growth in average real consumption per capita.
10. The study, based on interviews covering 3,600 households in 2002 and 3,840 in 2005, had found that poverty - defined as an income level of less than 5,272 leks per capita per month in 2005 (or 4,891 in 2002) - remained predominantly a rural problem, although the number of rural poor had declined by about 21 per cent, compared with the 43 per cent decline observed in urban areas.
11. Mr. HOXHA (Albania) said that the right to housing should indeed be introduced into the Albanian Constitution, as recommended by Mr. Pillay.
12. Mr. QIRKO (Albania) said that, under Albanian legislation, forced evictions were a measure of last resort to permit public expropriation - which was used only for projects of public interest such as the building of roads or schools. Persons facing eviction proceedings had the right to file suit before the courts and to obtain compensation.
13. Ms. LESKOVIKU (Albania) said that Albania's legislation allowed for social housing in urban areas, and that amendments were on the way to extend such housing to remote, rural areas. Social housing was assigned to the neediest by municipalities, and financed by a combination of sources - the State, local government and different donors. Given the budgetary constraints on the Albanian Government, those measures had thus far benefited only a limited number of people. However, it was planned to expand the programme in the future.
14. Mr. NINA (Albania) said that there were no obstacles to ratification of the two Optional Protocols to the Convention on the Rights of the Child. A decision to sign the Optional Protocol on the sale of children, child prostitution and child pornography had in fact been taken, and consideration was being given to the adoption of the Optional Protocol on the involvement of children in armed conflict.
15. Regarding the implementation of the International Labour Organization (ILO) Worst Forms of Child Labour Convention, No. 182, legislative and administrative measures to counter the problem of child labour had already been introduced. Parts of the Albanian Labour Code were based on that Convention, therefore prohibiting the employment of minors under 16 years of age, except for light work during school holidays and as part of vocational training. Children under 18 years of age could not work for more than six hours a day, nor at night; and they could only work after having undergone a comprehensive medical examination. Following consultations with employers' and employees' organizations in Albania, the employment of children for cultural work was under consideration.

16. A Child Labour Unit attached to the Ministry of Labour and Social Affairs had been established in 2002, which had worked with the International Programme on the Elimination of Child Labour to inform and raise awareness of the situation in the country. A National Steering Committee had also been set up within the Ministry to coordinate efforts in implementing that programme. The Unit was the driving force behind the national report on child labour and a national strategic plan on child labour, and it liaised with the different institutions tackling the issue.

17. Ms. LESKOVIKU (Albania) said that the national strategy for combating trafficking in human beings had focused on pinpointing the problem of trafficking, prosecuting the perpetrators, protecting its victims and preventing its occurrence. Albania had signed an agreement with Greece on protection and assistance for child victims of trafficking, which was the first step towards the identification and return to Albania of the child victims residing in Greece. Existing organs would coordinate the return and rehabilitation of those children.

18. In cooperation with the organs concerned, such as the police and the Procurator's Office, local campaigns had been launched to remove children from the streets, register them in schools, and combat prostitution. A free nationwide helpline had been set up so that cases of trafficking in persons could be reported.

19. A new law had been proposed concerning the exploitation of children for the purpose of forced labour, as had an educational and social programme of help for those children and their families. The Ministry of Labour and Social Affairs had also worked with the Ministry of Tourism to prevent the exploitation of women and children in hotels. Training courses had been organized for officials responsible for providing the special assistance which victims of trafficking needed. Victims of trafficking, especially women and children, had been compensated using the profits seized from its perpetrators. Television and brochure campaigns had raised awareness of trafficking among the wider public. Funds for the professional training and employment of victims had also been increased.

20. Mr. HOXHA (Albania), responding to Ms. Barahona Riera's question on the restructuring of the government body dealing with gender issues, said that, although the decision could be seen as a step backwards, more information on the quality of its work was needed before the measure could be judged properly. The structure had originally been under the direct responsibility of the Prime Minister, which had slowed down decision-making. In the future, the decision might be taken to create a separate institution or secretariat to deal with such issues.

21. Regarding the question of marriage at a young age in rural areas, it was difficult to find reliable, up-to-date figures on the matter; however, in view of the legal framework in place in Albania, he did not believe that that was a significant problem. In very remote areas, the possibility remained that marriage at a young age still occurred and therefore the State would remain vigilant.

22. Mr. KRISTO (Albania) said there had been several developments in mental health care in Albania, of which the most significant had been the implementation of a new law and the creation of a specialized department within the Ministry of Health to deal with the subject.

Small residential units were to be established for the care of patients with mental health problems instead of placing them in State hospitals, which would be closed, thereby creating better living conditions for patients.

23. The most significant development in dental health had been the transition from curative to preventive care. There were a large number of dental clinics in the country; 70 per cent of them were private. The privatization of dental care was designed to improve patient care.

24. Ms. SHKËMBI (Albania) said that, according to the Family Code, the minimum age for marriage was 18 and the courts could only allow marriage prior to that age where there were sufficient grounds. The age of consent for sexual intercourse was set at 18 by the Criminal Code. Sexual intercourse with minors was punishable by imprisonment.

25. The definition of the child in Albania was that given by the Convention on the Rights of the Child, which had become part of Albanian domestic legislation on its ratification. Every person under 18 was considered to be a child.

26. The Civil Code recognized the legal status of a child who was born alive from the time of its conception; however, children under 14 did not have legal competence and decisions concerning them were taken by their legal representative. At 14 years of age, a child could perform legal actions only with the prior consent of the guardian; however, he could control his own finances. At the age of 18 a person had full legal competence.

27. Mr. KRISTO (Albania) said that public pharmacies in Albania dispensed free medicine to certain population groups, such as children and pensioners. For the rest of the population, pharmacies had been privatized. The advantages of privatization had been a rise in the number of prescription drugs available, and in the number of pharmacies, increased competition and improved supply. In Albania, public pharmacies were located only near hospitals, while there were over 1,000 private pharmacies throughout the country.

28. Concerning reproductive health, measures to promote the use of contraceptives and to combat HIV/AIDS had been taken, as well as steps concerning abortion and sexually transmitted diseases (STDs). The use of condoms in the fight against STDs was crucial.

29. Ms. BALILI (Albania) said that the Ministry of Education had introduced measures to include all children in education without discrimination. National strategies had been adopted by the Government that assured education for all citizens, including the Roma, and that would be implemented by regional educational institutions.

30. The Ministry of Education and Science had introduced an experimental service at the university and pre-university levels to provide psychological support for all students, and Roma students in particular. The Ministry had carried out a survey on work being done with disadvantaged children and had drafted a plan for teachers working with Roma children. It had taken steps to ensure Roma children's attendance at school even where they did not have birth certificates.

31. In order to boost the participation of Roma children at all educational levels, the Ministry had focused on the rebuilding of schools in areas where Roma children lived. In addition, the

“Second Chance” project, designed to help students who had dropped out of school or were isolated as a result of blood feuds, had considerably reduced the dropout rate among Roma children: from 3.6 per cent in the 1990s it had fallen to 1.2 per cent nationwide, and in some areas to zero.

32. Awareness-raising activities had been carried out in cooperation with associations working to reduce poverty among the Roma, to persuade families to ensure that their children attended school. Literacy courses were provided for Roma and special classes had been opened for Roma children in kindergartens. There were also a number of private schools for Roma children.

33. Members of the Roma community had received teacher training and Roma children had been awarded scholarships. In the area of promotion of human rights, particularly children’s rights, the Ministry, in cooperation with the Institute for Curriculum Development and non-profit organizations, had introduced the Roma language as a second language in schools attended by Roma children, in response to requests from the Roma community.

34. Mr. KRISTO (Albania), replying to questions on public health care over the past five years, said Parliament had recently passed an anti-smoking law.

35. With regard to sexually transmitted diseases (STDs), he said 132 cases of primary and secondary syphilis had been reported between 1995 and 2002; 4.5 per cent of syphilis sufferers were also HIV-positive. Other STDs had been reported in over 10 per cent of the population. There was a relatively high prevalence of hepatitis and nearly 7 per cent of blood donors had tested positive for hepatitis. According to the National Health Institute, over 200 persons in Albania were HIV-positive, two thirds of them women and half of them belonging to vulnerable groups.

36. Preventive measures included training for educators and information campaigns to encourage condom use among young people and HIV-positive persons. Awareness-raising activities were also carried out in the Armed Forces, and a national programme was under way to establish new confidential testing centres.

37. Mr. HOXHA (Albania), responding to a question from Mr. Rzeplinski, said polygamy was prohibited under the law. He was not aware that any cases had ever been brought to the attention of the authorities.

38. Ms. BALILI (Albania), replying to questions asked by Mr. Kerdoun, said private educational institutions were regulated under the Constitution and the law and were required to meet certain conditions in order to obtain official permits. There were currently 333 approved private institutions nationwide. There were also 16 private universities. In 2004, private institutions had taken 3 per cent of preschool children, nearly 4 per cent of pre-university students and 2 per cent of university students. In addition, various educational services, such as school building and maintenance and textbook publishing, had been privatized.

39. The attraction of private schools lay largely in the provision of additional foreign languages and information technology courses. They were often considered to offer a better quality of education than State schools as they employed better-qualified teachers, had smaller

classes and were better equipped, but no official studies to date pointed to higher student performance levels in private schools as compared with State schools. Overall attendance in the State system was 98 per cent, as against 2 per cent at private institutions.

40. Ms. LESKOVIKU (Albania) said that, of all teachers, university professors received the highest salaries based on their qualifications, and earned enough to ensure an adequate standard of living. With regard to public university education, the number of students allowed entry every year was based on a quota approved by the Council of Ministers for each university. University places were filled on the basis of a national competitive examination for all aspiring university students. Depending on their results, students were offered different courses of study at different universities, and did not pay fees. Until recently 10 per cent of places had been reserved for fee-paying students, but that arrangement had recently been abolished, and there were no longer any such students at public university. Many of those who did not pass the university entrance examination attended private universities.

41. A new law on higher education was currently being drafted, with the aim of granting greater autonomy to public universities. Full and partial scholarships were rewarded by the Ministry of Education and Science to students studying far from their home towns with limited resources, students with divorced parents or those from low-income families. Students who achieved particularly good results in their first year received a financial reward.

42. With regard to the discussions in the 1990s on the closure of the Faculty of Social Science and Philosophy, the faculty had since expanded to four departments and the number of students enrolled was increasing continuously, so that was no longer an issue.

43. Mr. HOXHA (Albania) said that one of the reasons for the popularity of private universities was the public perception that public institutions inherited from the former regime were somehow lacking in quality. However, it should be noted that only 2 per cent of the total number of students at all levels attended private institutions. The situation would be monitored closely to ensure quality and compatibility. Changing the primary school system from eight to nine years of study had formed part of the overall reform of the education system. The curriculum had been expanded slightly, adding some additional subjects, such as civic studies and human rights, and other optional subjects, such as foreign languages. The reforms had also been undertaken to bring the education system into line with European Union countries.

44. The new law on university education would bring the system into conformity with the Bologna Declaration. As to the Kanun, the customary law, although it had no force of law, it remained influential in some parts, particularly in the mountainous and rural areas in the north and north-east of the country. Blood feuds between families were a direct consequence of the Kanun, and had a particularly negative impact on children, as male members of the families concerned could not leave their houses to go to school for fear of being attacked or killed. A very small percentage of the population was affected by that phenomenon, but measures had been taken by the Government, for example legislative amendments, to introduce more severe penalties. There were also numerous civil society initiatives to attempt to resolve the feuds, and there had been a number of successful outcomes. A specific law had been adopted, providing for the establishment of a national coordination council to develop a national strategy to address the

problem and ensure coordination of governmental and non-governmental activities in that area. Foreign funding had been sought to provide tuition for groups of children affected, possibly under police protection, to ensure that they received a minimum of education.

45. Ms. BALILI (Albania) said that, although a birth certificate was generally required for school registration, Roma children or any other children who for whatever reason did not have the necessary documentation could still attend school as normal.

46. Mr. HOXHA (Albania) said that the budget allocated to the Ministry of Culture, which had recently taken over responsibility for tourism also, was very small, at only 0.5 per cent of the total national budget. The Ministry's objective was to receive at least 1 per cent of the budget. There was no general legislation on culture, but one particularly important law in that area was on cultural heritage, and there were other specific laws governing various aspects of culture. Programmes to increase public participation in cultural activities included song, film and theatre festivals, and a book fair. In the context of cultural activities, the term "pan-Albanian" implied that events were open to participation by associations of Albanians living abroad. Regarding the term "Euro-Atlantic", he agreed that that reference to the North Atlantic Treaty Organization (NATO) was in no way related to culture. Finally, religion played no role in Albanian cultural life.

47. Mr. TIRADO MEJÍA requested clarification of whether prostitution was criminalized.

48. Ms. LESKOVIKU (Albania) said that prostitution of men or women was classified as a crime.

49. Mr. HOXHA (Albania) said that any gaps in the information provided would be remedied in the next periodic report.

50. The members of the delegation of Albania withdrew.

The discussion covered in the summary record ended at 12.05 p.m.